

REMARKS

Applicant has carefully reviewed and considered the Final Office Action mailed on October 24, 2006, and the references cited therewith.

Claims 1, 7, 14, 21, 27, and 34 are amended, and no claims are canceled or added; as a result, claims 1-37 are now pending in this application.

§ 103 Rejection of the Claims

Claims 1-37 were rejected under 35 USC § 103(a) as being unpatentable over Smith et al (U.S. Patent No. 5,267,322) in view of Rothschild et al (U.S. Patent No. 5,487,102). Applicant respectfully traverses the rejection as follows.

As presented in the response to the preceding Office Action of June 20, 2006, the Smith reference appears to describe a voice messaging system to receive incoming calls on a public switched telephone line and internally assign such calls to a line, or a channel, in the system. (Col. 5, lines 15-32). The Rothschild reference appears to describe, “customization of each operator workstation 20 for the current operator who is working on one of the operator workstations 20.” (Col. 5, lines 62-64). Such operator workstation customization can be performed so as “to satisfy Bellcore’s OSSGR requirements for an operator workstation.” (Col. 6, lines 11-12). The OSSGR requirements are “standard in the industry” “pertaining to transmit and receive signals to protect the operator who uses the operator position all day.” (Col. 1, lines 22-25). From Applicant’s review, however, neither reference describes, teaches, or suggests, either individually or in combination, a measurement module including program instructions to measure a power level of an outgoing voice signal stream before the outgoing voice signal stream enters an output channel connected to a Public Switched Telephone Network.

In contrast, Applicant’s independent claim 1, as amended, recites, “a measurement module including program instructions to measure a power level of an outgoing voice signal stream before the outgoing voice signal stream enters an output channel connected to a Public Switched Telephone Network (PSTN)”.

Independent claims 7 and 14, as amended, each recites, “a measurement module including program instructions to measure a power level of an outgoing voice signal stream before the outgoing voice signal stream enters an output channel connected to the PSTN”.

In addition, independent claims 21, 27, and 34, as amended, each recites, “measuring a power level of the outgoing voice signal stream at a number of points in time before the outgoing voice signal stream enters an output channel connected to a Public Switched Telephone Network (PSTN)”.

Applicant respectfully submits that amending claims 1, 7, 14, 21, 27, and 34 as shown is supported by the specification as originally submitted. For example, the specification recites, “the gain controller 220 uses computer executable instructions to monitor the power level of the signal stream between a voice signal source 202 and an output channel 208, that is in communication with the PSTN 222.” (Page 6, line 32, through page 7, line 1). In addition, Figure 2 of the present application shows a measurement module 224 in the gain controller 220 that measures the power level of the outgoing signal stream before the outgoing voice signal stream enters the output channel 208 connected to the PSTN 222. Further support for the amendment can be found on: page 6, lines 22-25; page 7, lines 3-26; page 8, lines 1-22; page 11, lines 31-33; page 12, lines 30-32; and Figure 4.

Moreover, Applicant’s independent claim 1, as amended, recites:

a gain adjustment module including program instructions to adjust the power level of the outgoing voice signal stream by applying the gain value to the outgoing voice signal stream to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel connected to the PSTN.

The Rothschild reference states, “It should be noted that the present invention provides that the operator may adjust the volume of each call.” (Col. 6, lines 46-47). Hence, the Rothschild reference appears to describe an operator having direct control over the volume of each call, in contrast to “a measurement module including program

instructions to measure a power level”, “a gain factor setting module including program instructions to set a gain value”, and “a gain adjustment module including program instructions to adjust the power level of the outgoing voice signal stream”, as recited in independent claim 1, as amended, in the present disclosure.

The Rothschild reference goes on to state, “Note that if the received audio signal is too loud, the limiter 54, if it is enabled by the processor board 34, automatically reduces the volume to a predetermined level.” (Col. 6, lines 53-55). The reference appears to further describe the limiter by stating, “The limiter 54 further conditions the received audio signal by providing a volume limit on the received audio signal.” (Col. 5, lines 14-15). Hence, Applicant respectfully submits that the “limiter” described in Rothschild is not analogous to “applying the gain value to the outgoing voice signal stream” in the manner defined and described in the specification of Applicant’s disclosure as originally presented. That is, as described in Rothschild, the “limiter” appears to be restricted to “providing a volume limit on the received audio signal.” Hence, the Rothschild reference appears to relate to treatment of “**incoming**” audio signals which differs from “applying the gain value to the outgoing voice signal stream”, as recited in Applicant’s independent claim 1.

For example, page 8, line 33, through page 9, line 10, of Applicant’s specification as originally presented recites:

In various embodiments, a gain value currently being applied to the power level can be used as a base gain from which a gain adjustment value can be calculated. Again, using the measurement information from the measurement module 224, program instructions can be executed to adjust the gain in various ways.

For example, program instructions can add or subtract a gain value to the power level. Additionally, program instructions can multiply or divide the power level by a gain value. In various embodiments, the gain value can be whole, fractional/decimal number, or a combination of a whole number with a fractional/decimal component.

In contrast, the “limiter” of the Rothschild reference appears only to operate by “providing a volume limit on the received audio signal.”

Moreover, as presented above, Applicant respectfully submits that Rothschild does not appear to describe program instructions to adjust the power level of the outgoing voice signal stream by applying the gain value to the outgoing voice signal stream to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel connected to the PSTN, as recited in independent claim 1, as amended. That is, Rothschild appears to describe, "customization of each operator workstation 20 for the current operator who is working on one of the operator workstations 20" so as "to satisfy Bellcore's OSSGR requirements for an operator workstation" "to protect the operator who uses the operator position all day."

Independent claim 7, as amended, recites:

a gain factor setting module coupled to the gain adjustment module wherein the gain factor setting module includes program instructions to set the gain value by comparing the measured power level to a threshold to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel connected to the PSTN.

Independent claim 14, as amended, recites:

means for adjusting a power level of the voice signal stream to operate within compliance of the PSTN before the outgoing voice signal stream enters an output channel connected to the PSTN;

Independent claims 21 and 27, as amended, each recites:

adjusting the power level of the outgoing voice signal stream based on the comparison to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel connected to the PSTN.

In addition, independent claim 34, as amended, recites:

gradually adjusting the power level of the outgoing voice signal stream over time based on the comparison to bring the power level toward a target output level to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel connected to the PSTN.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 7, 14, 21, 27, and 34, as amended, is not described,

taught, or suggested in the Smith and Rothschild references, either individually or in combination, and that independent claims 1, 7, 14, 21, 27, and 34, as amended, are in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and allowance of independent claims 1, 7, 14, 21, 27, and 34, as amended, as well as those claims that depend therefrom.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Tuan V. Ngo at (408) 447-8133.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AF** Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 18th day of December, 2006.

Name

Alison L. Subendan

Signature

AS

Respectfully Submitted,
Richard D. Ellison

By his Representatives,
BROOKS & CAMERON, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By:

Edward J. Brooks III

Edward J. Brooks III

Reg. No. 40,925

Date:

12/18/2006